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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,807	01/09/2002	Oliver J. Gross	4858-000337	5050
33204	7590	06/17/2004	EXAMINER	
VALENCE TECHNOLOGY, INC. 301 CONESTOGA WAY HENDERSON, NV 89015			MERCADO, JULIAN A	
			ART UNIT	PAPER NUMBER
			1745	

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/042,807

Applicant(s)

GROSS, OLIVER J.

Examiner

Julian Mercado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4-18-02</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-9, 12-14, 16-19, 21, 23, 24, 26-28 and 30 are rejected under 35

U.S.C. 102(b) as being anticipated by King (U.S. Pat. 3,972,734).

Regarding claims 1, 2, 4-9, 12-14, 16-19, 21, 23, 24, 26-28 and 30, King teaches a battery sealed with a packaging material such as "very light gauge (0.005 inch thick) sheet nickel" which is folded so that an edge seal [11] is formed, i.e. "[s]ection or extension [12] is of size and shape adapted to fit within an envelope formed by folding section 10 onto section 11". col. 5 line 1-15 The packaging material thickness equals 1.27 mm. As shown in Figure 7, the fold is coiled in the configuration of a G-shape and is intermediate of the top and bottom surfaces of the casing. By "G-shape"(which also reads on the claimed "coiled shape" in claim 14), this feature is given its broadest reasonable interpretation of the edge extending from the centerline of the cell and folded approximately 90 degrees in a counterclockise (CCW) direction four times. A J-shape of the edge naturally resides in a G-shape to the extent that a J-shape has two CCW folds. Terminal leads [58] and [60] provide power to an external load. (col. 7 line 66 et seq.)

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Claims 1-4, 8-11, 14 and 23-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Braem (U.S. Pat. 3,615,861).

Regarding claims 1-4, 8-11, 14 and 23-30, Braem teaches a battery sealed with a packaging material folded so that an edge seal [5] is formed. (col. 2 line 35-37) As in the preceding discussion of King above, by the claimed "G-shape" (which also reads on the claimed "coiled shape" in claim 14) this feature is given its broadest reasonable interpretation of the edge extending from the centerline of the cell and folded approximately 90 degrees in a counterclockwise (CCW) direction four times, such as shown in Figure 2 (more easily viewed when Figure 2 is initially rotated 90° CW):



A J-shape of the edge naturally resides in a G-shape to the extent that a J-shape has two CCW folds, such as shown in the portion of Figure 1:



A Z-shape is derived from Figure 1 (more easily viewed when Figure 1 is initially rotated 90° CW):



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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata et al. (U.S. Pat. 6,358,644 B1) in view of King as applied to claims 1, 2, 4-9, 12-14, 16-19, 21, 23, 24, 26-28 and 30

Shibata et al. is relied upon to teach a lithium ion battery. While Shibata et al. does not explicitly teach the claimed edge seal, it would be obvious to one of ordinary skill in the art to employ an edge seal in accordance with King's teachings as relied upon above. The motivation for such a modification would be to employ a compact and rigid cell structure while also minimizing bulk. (see King, col. 1 line 36-40, col. 5 line 61-63, col. 7 line 43-45).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Pat. 6,482,544 B1 to Shiota et al. is cited of cumulative relevance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Mercado whose telephone number is (571) 272-1289. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Patrick Ryan   
Supervisory Patent Examiner  
Technology Center 1700

  
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